

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, *et al.*,
individually and on behalf of a class of all others
similarly situated,

Plaintiffs,

v.

CITY OF BUFFALO, N.Y., *et al.*,

Defendants.

No. 1:18-cv-00719-CCR

DECLARATION OF DORETHEA FRANKLIN

Dorethea Franklin declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. I am Dorethea Franklin, a 51-year-old Black woman and mother of seven children. I am one of the Plaintiffs in this action.
2. I make this declaration in support of Plaintiffs' Motion for Class Certification.
3. Between approximately January 2013 to October 2017, I had to pass through multiple Checkpoints set up by the Buffalo Police Department. During this time, the BPD regularly ran Checkpoints on my street and in front of my home, near the off-ramp of the Bailey Avenue exit of New York State Route 33. I went through Checkpoints on dozens of occasions in order to enter or exit my driveway. I also had frequent opportunities to observe the operation of Checkpoints.
4. On three separate occasions when I had to go through a Checkpoint, BPD officers pulled me over for a secondary inspection. Each of those times, the secondary stop lasted about 45 minutes. Thankfully, I didn't end up getting a ticket at any of those stops.

5. I believe the Checkpoints were racially discriminatory. I base this on the frequency with which I encountered Checkpoints on the East Side of Buffalo and my observation that the people pulled over on the side of the road and subjected to ticketing and towing at Checkpoints were Black. As far as I saw, when white people passed through the Checkpoints, the BPD did not subject them to prolonged stops.

6. I feel like BPD targeted me during Checkpoints because of my race and because I live in a predominantly Black neighborhood. I witnessed the BPD treating white drivers differently than Black drivers. The Checkpoints were extremely intrusive, fundamentally unfair, racially discriminatory, and diverted scarce police resources away from addressing serious crime and other important activities. I believe the Checkpoints were a money grab and generated mistrust between the community and BPD.

7. Having to pass through the Checkpoints made me feel unsafe and untrustworthy of police. I felt like my rights were not protected, and instead were violated. I felt anxious because of the fear that I would be harmed while my children were present.

8. In March 2023, a BPD officer pulled me over while I was driving down Bailey Avenue and issued me two tinted windows tickets in a single stop. It seemed like he was fishing for a reason to write me tickets, since he did not initially indicate that he stopped me for my tints. I challenged the tickets in court, and the judge dismissed the tickets after I provided a doctor's note that showed I needed the tints.

9. I drive frequently within the City and plan to continue to do so.

10. I understand that this case is a proposed class action.

11. I am willing to serve as a representative for the Tinted Windows and Traffic Enforcement Classes on behalf of myself and other people whose facts and circumstances are

similar to mine. I understand that the Tinted Windows class is seeking monetary damages, and the Traffic Enforcement Class is seeking a court order declaring the City of Buffalo's traffic enforcement practices unlawful and ordering the City to change its practices.

12. I understand that as a class representative, I have a responsibility to participate actively in the litigation. I am represented in this lawsuit by lawyers from the National Center for Law and Economic Justice, the Center for Constitutional Rights, the Western New York Law Center, and Covington & Burling LLP. Since joining this lawsuit, I have communicated regularly with my counsel, kept informed of the progress of the case, reviewed and approved the Complaint and Amended Complaint (primarily the paragraphs that describe my experiences), participated in written discovery, sat for a deposition, and talked with my counsel about what I think a fair resolution of this case would be.

13. I understand that as a class representative I have a responsibility to protect the interests of the entire class, not just my own interests, and to ensure that my counsel prosecutes the case vigorously and in the interest of all class members. I agree to fulfill my responsibilities as a class representative.

Dated: May 13, 2024


Dorethea Franklin